

# THE FLINN REPORT

## ILLINOIS GENERAL ASSEMBLY JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

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The Flinn Report is a weekly summary of regulatory actions of State agencies published in the *Illinois Register* and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR). The Flinn Report honors founding JCAR member Representative Monroe Flinn, and is designed to inform and involve the public in changes taking place in agency administration.

## Proposed Rulemakings

### • JOB POSTINGS

The DEPARTMENT OF LABOR proposed amendments to the Part titled Equal Pay in Employment (56 IAC 320; 49 Ill Reg 11584) implementing Public Act 103-539. The PA requires employers who employ 15 or more employees to include pay scale and benefits information in any job posting or promotional opportunity for a specific position. A "job posting" is defined as a written announcement that an employer is seeking to hire or is accepting applications for a specific position, whether it is announced, posted, published (in print or online) or otherwise made known by the employer, an agent, or a third party that the employer has engaged for the purpose of disseminating job postings. Promotional opportunities circulated among current employees for those seeking a higher or better paying position are also subject to this Part. Job postings do not include general announcements that do not identify a

specific position (e.g., "help wanted" or "now hiring" signs). "Pay scale", for purposes of this Part, includes the wage or salary, or wage/salary range, being paid for the position and a general description of other compensation such as bonuses, stock options, or other incentives being

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No Second Notices This Week**

offered. All benefits being offered for a particular position, including health insurance, retirement benefits, paid time off (including vacation, sick leave and parental leave) and any other benefits that must be reported for federal tax purposes must be included in the job posting. This rulemaking also clarifies the relative responsibilities between employers who use third parties to publish job postings and the third parties; streamlines DOL's complaint

procedures by eliminating "informal investigative hearings" and repealing various outdated Sections; and implements Public Act 104-17 by eliminating references to the federal EEO-1 data collection program. Small businesses with 15 or more employees are affected.

*Questions/requests for copies/comments through 11/3/25: Anna Koeppel, DOL, 524 S. 2nd Street, Suite 400, Springfield IL 62701, 217-558-1270, [Anna.Koeppel@illinois.gov](mailto:Anna.Koeppel@illinois.gov)*

### • RETIREMENT SAVINGS

The OFFICE OF THE TREASURER proposed amendments to the Part titled Secure Choice Savings Program (74 IAC 721; 49 Ill Reg 11631) implementing PA 104-100, which took effect on 8/1/25. The rulemaking makes employers subject to penalties for failing to remit employee contrib-

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**ADOPTED RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Temporary rules adopted for no more than 150 days.

**PROPOSED RULEMAKINGS:** Rules proposed by agencies this week, commencing a First Notice public comment period of at least 45 days.

**PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

• - Designates rules of special interest to small businesses, small municipalities and/or non-profit organizations. Agencies must consider comments from these groups and attempt to minimize regulatory burdens on them.

**QUESTIONS/COMMENTS:** Submit mail, e-mail or phone calls to the agency personnel listed below each summary.

**RULE TEXT:** First Notice proposed text, emergency rule and peremptory rule text is available at the Secretary of State website (<https://www.ilsos.gov/departments/index/register/home.html>) or at the Illinois General Assembly website (<http://www.ilga.gov>) under "Illinois Register". Second Notice text for proposed rulemakings (original version with any changes made by the agency during First Notice included) is available at the JCAR website.

# Proposed Rulemakings

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utions in a timely manner (employers are already subject to penalties if they fail to enroll employees in the program). Employers that had 5 or more employees during every quarter of the previous calendar year (currently, that have at least 5 current employees) and have been in business for at least 2 years must enroll in the program if they do not offer a qualified retirement plan. Employers enrolling in the program for the first time must include all employees age 18 or older who earn Illinois wages and have been employed for 120 days or longer; after initial enrollment, all new hires must be enrolled within 120 days after beginning employment (currently,

within 60 days after first payment of wages). Finally, enrolled employees may now contribute to both a traditional IRA (contributions are made before taxes and subject to tax upon withdrawal) and a Roth IRA (contributions are made after taxes and are not taxed at withdrawal). Small businesses with 5 or more employees are affected.

*Questions/requests for copies/comments through 11/3/25: Sara Meek, Office of the Treasurer, 219 State House, Springfield IL 62706, 217-836-0030, fax 217-782-2777, [SMeek@illinoistreasurer.gov](mailto:SMeek@illinoistreasurer.gov)*

## STATE POLICE

The STATE POLICE MERIT BOARD proposed amendments to the Part titled Procedures of the Department of State Police Merit Board (80 IAC

150; 49 Ill Reg 11623) updating aspects of its promotional procedures. The rulemaking eliminates the performance appraisal portion of the promotional test; replaces district and regional promotional lists with a single statewide list for all ranks; removes outdated language phasing in the requirement of a bachelor's degree for candidates seeking promotion to lieutenant or captain; and updates the name of a regional accrediting agency for higher educational institutions. Illinois State Police officers seeking promotion to higher ranks are affected.

*Questions/requests for copies/comments through 11/3/25: Daniel Dykstra, SPMB, 531 E. Sangamon Ave., Springfield IL 62702, fax 217-786-0181, [ddykstra@ispmeritboard.org](mailto:ddykstra@ispmeritboard.org)*

## JCAR Meeting Action

At its September 16, 2025 meeting, the Joint Committee on Administrative Rules took the following actions. Proposed rulemakings not listed below received No Objection and may now be adopted by their agencies. Emergency or peremptory rules not acted upon at this meeting may be reconsidered at future meetings.

### OBJECTION

JCAR objected to the Department of Corrections' emergency rulemaking titled Rights and Privileges (20 Ill. Adm. Code 525; 49 Ill. Reg. 10945) because this emergency rule fails to meet the criteria of 1 Ill. Adm. Code 230.400(a)(1)(A), (D), and (E), 1 Ill. Adm. Code 230.400(a)(2)(B), and 1 Ill. Adm. Code 230.400(a)(3)(E). The Department has not demonstrated that an emergency situation exists that requires adoption of the rule upon fewer days' notice than is required by the proposed rulemaking process. This emergency rule was effective on August 14, 2025, but the Department indicated that it did not intend to implement the major provisions until September 15, 2025, with full implementation not occurring for at least six months thereafter. Sec 5-45(b) of the Illinois Administrative Procedures Act [5 ILCS 100] requires that emergency rules become effective immediately or not less than 10 days after filing. Additionally, the emergency rule does not include standards for the exercise of discretionary authority. The emergency rule states that the Department "may" implement electronic mail processing, "may" implement a multi-factor authentication system for privileged mail, and that the Director "may" exclude any mail from electronic processing. The emergency rule contains no details as to the factors the Department will consider when determining whether or not to exercise the authority that it created for itself. The emergency rule is also not limited to those matters that are required to meet the emergency situation as it contains a prohibition on used or altered publications that has apparently been enforced through Department policy for at least 10 years. The Department has not taken steps to make the emergency rule known to those persons who may be affected by it. To date, no public communication regarding when the Department will implement mail scanning, multi-factor authentication, or the other changes to publication rules has been issued, and therefore there is no way for the public to know when each provision will actually take effect. Finally, the language of the emergency rule is not simple or clear so that the rule can reasonably understood by the groups they affect. The rule is ambiguously worded to allow the Department to electronically process privileged mail, subject outgoing privileged mail to the multi-factor authentication process, and prohibit publications that are "altered from their original state".

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# JCAR Meeting Action

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## EXTENSIONS

JCAR, with the concurrence of the respective agencies, extended the Second Notice periods for the following rulemakings an additional 45 days. These rulemakings will be considered again at the October 14 JCAR meeting.

Capital Development Board, Illinois Energy Codes (71 IAC 600; 49 Ill Reg 7704)

State Board of Elections, Registration of Voters (26 IAC 216; 49 Ill Reg 8298)

## NO ACTION

JCAR took no action on the Illinois Gaming Board rulemaking titled Sports Wagering (11 IAC 1900; 49 Ill Reg 8840). This rulemaking remains on Second Notice and will be considered again at the October 14 JCAR meeting.

## Adopted Rules

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### • CONSUMER LENDERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to Consumer Installment Loan Act (38 IAC 110; proposed at 49 Ill Reg 7187) and Sales Finance Agency Act (38 IAC 160; proposed at 49 Ill Reg 7197), both effective 9/5/25 at 49 Ill Reg 11640 and 11649, that require credit insurance refunds on loans that have been paid off, canceled, refinanced, renewed, or reduced to judgment to be computed according to the methodology prescribed in Department of Insurance regulations at 50 IAC 1053.10. Consumer installment lenders, financing agencies, and their customers are affected.

*Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington St., 2<sup>nd</sup> Floor, Springfield IL 62786, 217-785-0810, fax 217- 557-4451, [Craig.Cellini@illinois.gov](mailto:Craig.Cellini@illinois.gov)*

### HUNTING & TRAPPING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to 13 Parts, effective 9/2/25, that update DNR hunting and trapping rules with site-specific changes to hunting hours,

days, species, permit requirements, harvest limits, and other items. Additional changes are listed below.

#### Small Game

Amendments to Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; proposed at 49 Ill Reg 4137, adopted at 49 Ill Reg 11656) remove references to violations and fines, remove Horseshoe Lake State Park as a youth hunting site, and add Pere Marquette State Park, Rock Cut State Park (rabbit hunting only) and Kankakee River State Park (also rabbit hunting only) as hunting sites. Amendments to Squirrel Hunting (17 IAC 690; proposed at 49 Ill Reg 4347, adopted at 49 Ill Reg 11838) restrict hunting at certain sites to shotguns and bows and arrows and open Illinois Beach State Park and Rock Cut State Park to squirrel hunting.

#### Waterfowl & Other Birds

Proposed amendments to Duck, Goose and Coot Hunting (17 IAC 590; proposed at 49 Ill Reg 4192, adopted at 49 Ill Reg 11683) remove references to violations and potential fines; close public access to designated waterfowl hunting areas from 7 days prior to the opening of the regular duck season

through the final day of duck season (only legally permitted hunters and Department-authorized individuals are allowed in hunting areas during this period); and open Hackmatack State Natural Area to waterfowl hunting. Since 1<sup>st</sup> Notice, DNR has added provisions that prohibit any person from being within 250 yards of an occupied duck blind on either the Mississippi or Illinois rivers during duck or goose season without a permit or other authorization from DNR. Amendments to Dove Hunting (17 IAC 730; proposed at 49 Ill Reg 4410, adopted at 49 Ill Reg 11901) and Crow, Woodcock, Snipe, Rail and Teal Hunting (17 IAC 740; proposed at 49 Ill Reg 4430, adopted at 49 Ill Reg 11921) remove references to violations.

#### Deer Hunting

Proposed amendments to White-Tailed Deer Hunting By Use of Firearms (17 IAC 650; proposed at 49 Ill Reg 4264, adopted at 49 Ill Reg 11755), White-Tailed Deer Hunting By Use of Muzzleloading Rifles (17 IAC 660; proposed at 49 Ill Reg 4283, adopted at 49 Ill Reg 11774), White-Tailed Deer Hunting By Use of Bow and Arrow (17 IAC 670; proposed at 49

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# Adopted Rules

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Ill Reg 4300, adopted at 49 Ill Reg 11791) and Special White-Tailed Deer Season for Disease Control (17 IAC 675; proposed at 49 Ill Reg 4324, adopted at 49 Ill Reg 11815) remove references to violations and repeal a Section concerning rejection of applications and revocation of permits. The Part 650 rulemaking additionally removes a requirement that disabled hunters participating in special hunts pass the Illinois Hunter Safety Course or an out-of-State equivalent. The Part 670 rulemaking opens Hackmatack State Natural Area, Loda Pheasant Habitat Area, and Rock Cut State Park to archery deer hunting. The Part 675 rulemaking also adds Bureau and Ford counties to the list of counties where a special Chronic Wasting Disease (CWD) hunting season may be declared.

## Youth Hunting

Amendments to Youth Hunting Seasons (17 IAC 685; proposed at 49 Ill Reg 4329, adopted at 49 Ill Reg 11820) allow youth deer permit holders to use unfilled permits from the youth season (Columbus Day weekend) during the second firearm deer season (4-day Thanksgiving weekend) as well as the first firearm deer season (Friday through Sunday before Thanksgiving). Archery deer hunting by youth permit holders is permitted only on private land. References to violations are removed, and Sahara Woods State Recreation Area, Goose Lake Prairie State Natural Area, and Mazonia State Fish and Wildlife Area are opened to youth hunting.

## Turkey Hunting

Amendments to The Taking of Wild Turkeys - Spring Season (17 IAC 710; proposed at 49 Ill Reg 4360, adopted at 49 Ill Reg 11851), The Taking of Wild

Turkeys - Fall Gun Season (17 IAC 715; proposed at 49 Ill Reg 4380, adopted at 49 Ill Reg 11871) and The Taking of and The Taking of Wild Turkeys - Fall Archery Season (17 IAC 720; proposed at 49 Ill Reg 4395, adopted at 49 Ill Reg 11886) remove references to violations. The Part 710 rulemaking also opens Heidecke State Fish and Wildlife Area to the first and second spring turkey seasons and Chain O'Lakes State Park to spring youth turkey hunting. Amendments to Part 720 also open Hackmatack State Natural Area to fall archery turkey hunting.

*Questions/requests for copies of the 13 DNR rulemakings: John Fischer, DNR, One Natural Resources Way, Springfield IL 62702, 217-782-1809, [dnr.rules@illinois.gov](mailto:dnr.rules@illinois.gov)*

## Next JCAR Meeting: Tuesday, Oct. 14, 10:30 a.m.

Room C-1, Stratton Bldg., 401 S. Spring St., Springfield  
Meeting will be live streamed on the JCAR website

## Joint Committee on Administrative Rules

Senator Bill Cunningham, Co-Chair  
Senator Cristina Castro  
Senator Donald DeWitte  
Senator Dale Fowler  
Senator Napoleon Harris, III  
Senator Sally Turner

Representative Ryan Spain, Co-Chair  
Representative Eva-Dina Delgado  
Representative Jackie Haas  
Representative Steven Reick  
Representative Curtis Tarver, II  
Representative Dave Vella

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director  
700 Stratton Office Building, Springfield IL 62706  
217-785-2254 ■ [jcar@ilga.gov](mailto:jcar@ilga.gov)